

## ATTACHMENT A

### Remarks

Considering the matters raised in the Office Action in the same order as raised, with respect to Section 5 of the Office Action, it is noted that a similar change to that discussed in Section 5 has been made in some of the other claims. As the Examiner has pointed out, these amendments do not result in a change in the scope of the claims in question.

Claims 1-24 have been rejected under 35 U.S.C. § 102(e) as being “anticipated” by the Hall patent. This rejection is respectfully traversed although the independent claims have been amended to more clearly define over the Hall reference.

Considering the latter point in more detail, claim 1 has been amended to include the subject matter of claim 2, claim 7 has been amended to include the subject matter of claim 8, claim 9 has been amended to include the subject matter of claim 10, claim 11 has been amended to include the subject matter of claim 12 and claim 13 has been amended to include the subject matter of claim 14. Dependent claims 15 and 17 have been amended and claim 21 has been amended to include the subject matter of claim 23. Claims 2, 8, 10, 12, 14, and 23 have been canceled.

Claims 1, 7, 9, 11, and 13 all include similar limitations and distinguish over the Hall patent for similar reasons. Considering claim 1 as exemplary, amended claim 1 recites, *inter alia*, “means for determining whether a remaining time period exists subsequently to said transferring means completing the information transfer within the [previously recited “predicted”] time period so that the transferring means is capable of executing an additional information transfer completed within the remaining time period.” As indicated above, this recitation originally appeared in claim 2 which has been canceled. In the Office Action, it is contended, in Section 10, that “Hall does disclose a means for determining whether a remaining time period exists as recited in claim 2”.

Considering the latter contention in more detail, to support this contention, the Examiner argues that lines 12-40 of column 10 provide that for users in virtual zones there is “a continuous transfer of information or initiation of programs as defined by their respective virtual zones.” It is further argued that “as shown in Figure 5, a first user's

program can be initiated upon initial interaction with a second user” but that “in addition, various virtual zone thresholds may be crossed which allow for continuous assessment of the pertinent user details, and other programs or events may be initiated as defined by the zones until the users are too far away for any interaction.” It is concluded that these “multiple virtual zone thresholds satisfy the capability of executing additional information transfers as claimed” and that “the time in which the two users are close enough to interact would be akin to the claimed time period.”

It is respectfully submitted that the Response to Argument in the Office Action regarding this particular feature of the claims is not well taken. In addition to the recitation quoted above, claim 1 recites “means for predicting a time period during which communications between the first and second networks can be made.” Thus, the claim requires that a time period be predicted as well as means for determining whether a remaining time period exists subsequent to the completion of the information transfer within “the time period,” i.e., the predicted time period. To the extent that the Hall reference can be said to provide for predicting a “time period” at all, this is done in connection with, for example, turning on lights, heat, etc., “based on owner’s location and time of arrival.” See lines 25-39 of column 7, cited by the Examiner. There is no disclosure in Hall of predicting a particular time period and then determining whether time is left in that time period and executing an additional information transfer within the remaining time. This feature is simply not the same thing as what is disclosed in the Hall patent and it is respectfully submitted that the “multiple zone thresholds” do not “satisfy the capability of executing additional information transfers as claimed.” Further, to the extent that “the time in which the two users are close enough to interact” is somehow “akin” to the “claimed time period,” and this argument is not accepted, 35 U.S.C. § 102(e) requires that each and every limitation of the claim be met by the cited reference, not that some aspect of the reference be “akin” to the claimed subject matter.

Turning to independent claim 21, this claim recites means for transferring information between the first network and the second network based at least in part on the personal profile of the at least one user and further provides that the information transferred is based at least in part on a priority determined by the determining means from the personal profile of the at least one user.

As pointed out by the Examiner, the Hall reference does provide for creation of a user profile which specifies various user preferences "related to such things as software programs, communications and messaging, entertainment, scheduling and a degree of freedom and behavior of the PAD itself." However, it is respectfully submitted that there is no teaching in the reference of basing the transfer of information on a priority determined from the user profile.

It is further noted that dependent claim 24 further provides that the transfer of information is based at least in part on priority of a first one of the users relative to another one of the users determined from the personal profiles of the first one and the other one of the users. Again, this feature is simply not disclosed in nor suggested by the Hall reference.

It is noted that a number of the other dependent claims set forth features which are not disclosed in the Hall patent. For example, amended claim 15 provides that "the vehicle status determining step includes at least one of engine status, passenger status, door status, trunk status, hood status, fuel cap status, and garage door status." This feature is, again, simply not taught by the Hall reference. Amended claim 16 is similar to claim 15 but provides that the time period predicting step is based on at least one of a group corresponding to that of claim 15. Further, claim 17 provides that the selecting step is based at least in part on one of the file importance, file size, and file priority. In the latter regard, while the Hall reference discusses different data types in the paragraph bridging columns 7 and 8 referred to by the Examiner, there is no disclosure in the Hall patent of the subject matter of claim 17.

Allowance of the application in its present form is respectfully solicited.

**END REMARKS**